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LETTER DATED 4 JANUARY 2000 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

With the support of the United Kingdom, the United States of America continues to obstruct implementation of the memorandum of understanding and the oil-for-food programme using a number of illegal stratagems, including abuse of its membership of the Security Council Committee established by resolution 661 (1990) and its use of flimsy pretexts in order to put on hold contracts for the export to Iraq of humanitarian goods. As at 30 December 1999, the number of contracts on hold was 778, with a total value of $1.27 billion.

We have alerted the Secretariat and the Security Council to this illegal conduct on the part of the United States in numerous letters. Unfortunately, however, it does not appear that either of those parties is likely to make any serious effort to end this situation. On the contrary, we have observed that there are those in the Office of the Iraq Programme who, intimidated by the influence and authority exerted over the United Nations by the United States, occasionally attempt to adduce some justification for this behaviour.

When putting contracts on hold, the United States usually claims that there is insufficient information in the contracts or that the materials are dual-use. These claims are invalid and amount to interference in the concerns of the Secretariat and the Office of the Iraq Programme. Paragraph 33 of the list of procedures to be employed by the Security Council Committee established by resolution 661 (1990) in the discharge of its responsibilities (S/1996/636) provides that experts in the Secretariat shall examine each contract before it is submitted to the Committee, in particular the details of price and value, and whether the items to be exported are on the categorized list prepared by Iraq and approved by the Secretary-General. The report dated 30 January 1998 of the Security Council Committee established by resolution 661 (1990) on the refining and clarifying of its working procedures (S/1998/92) gave detailed elucidation of the duties of Secretariat experts with regard to the scrutiny of contracts. Paragraph (b) (ii) states that incomplete applications will not be circulated until clarification is obtained from the applicant State and the Permanent Mission of Iraq to the United Nations. Paragraph (b) (iii) states that applications that are found to be inconsistent with the approved distribution plan and its amendments (for example, the items concerned are not on the categorized list annexed to the distribution plan or their quantities exceed those on the list) will not be circulated. Paragraph (b) (ix) states that

applications will be screened and reviewed by the Secretariat, which should circulate all applications that meet the requirements of the Committee's procedures and are consistent with the distribution plan.

It is clear from the foregoing that the Secretariat is responsible for ensuring that the contracts submitted meet the Committee's procedural requirements and are consistent with the distribution plan. The Secretariat is also responsible for monitoring the arrival and distribution of humanitarian goods in Iraq. Nevertheless, the representative of the United States ignores the responsibility of the Secretariat, just as he ignores the distribution plan approved by the Secretary-General, and subjects each contract to his own particular scrutiny, which is based on James Baker's well-known precept that Iraq should be bombed back to the pre-industrial age. The representative of the United States invents such pretexts for putting on hold contracts for humanitarian goods - and, in particular, spare parts - as the need to request further information on the goods itemized in the contract and the need to know final use, and it demands that certain goods be omitted from the contract or claims that there is a likelihood that the contract materials are dual-use. The Americans have expanded the term "dual-use materials" to cover almost everything, as is shown by the examples below.

Contract No. 4723 for water purification equipment was put on hold on the pretext that the materials might be on the list of dual-use items.

Contract No. 50211 for a flour mill was put on hold on the pretext that there might be some connection between the materials involved and biological weapons.

Contract No. 50882 for medical equipment was put on hold on the pretext of concern that it was dual-use.

Contract No. 60061 for spare parts for electricity-generating stations was put on hold on the pretext of concern that dual-use materials were involved.

The most recent farce relates to contract No. 600787, made by the Ministry of Agriculture with a French company for the import of 15 live bulls in order to improve the quality of livestock resources. On 29 November 1999 the United States put this contract on hold on the pretext that the bulls were dual-use.

The fact that live bulls could be considered dual-use items is a blatant example of the contempt shown by the representatives of the United States for the authority of the United Nations, the procedural requirements of the Security Council Committee established by resolution 661 (1990) and for resolution 1051 (1996), which defines dual-use. We say nothing about United States contempt for the lives of the Iraqi people, a subject that has been dealt with exhaustively. The United States demonstrates the greatest disdain for the international community and the United Nations, which adopted the distribution plan and agreed upon the humanitarian materials it covered. This attitude reflects the superficial manner of thinking that leads to such situations as this and indicates that the United States has no objective standards for civilized international relations.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Saeed H. HASAN
Ambassador
Permanent Representative